



IT IS ORDERED

Date Entered on Docket: June 10, 2019

The Honorable David T. Thuma  
United States Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEW MEXICO ALBUQUERQUE DIVISION

IN RE:

Andrea Michelle Stevens,

Debtor.

Case No. 18-10519-T7

**STIPULATED ORDER REGARDING MOTION FOR RELIEF FROM AUTOMATIC  
STAY**

This matter comes before the Court on the stipulation of Secured Creditor, Wilmington Trust, National Association, not in its individual capacity, but solely as Trustee for MFRA Trust 2015-1 (“Secured Creditor”), and the Debtor, Andrea Michelle Stevens (“Debtor”). Upon approval by the Secured Creditor, the Debtor, and the Chapter 7 Trustee, and good cause appearing,

IT IS THEREFORE ORDERED AS FOLLOWS:

1. This Stipulated Order affects the real property commonly known as: 1110 South Florida, Alamogordo, NM 88310 (the “Subject Property”).

2. Commencing March 1, 2019, Debtor shall make regular monthly post-petition payments under the Trial Loan Modification in the amount of \$590.87 each, and continuing on the first day of each month thereafter, through and including August 1, 2019.

3. In the event the pending loan modification application is denied, all sums due pursuant to the terms of the promissory Note shall remain enforceable, and Movant's receipt and negotiation of the adequate protection payments tendered pursuant to paragraph 2 of this stipulation shall not act as a waiver of the sums that came due per the promissory Note in those months.

4. Payments shall be made directly to servicing agent for Secured Creditor, Fay Servicing, LLC, at 3000 Kellway Dr., Ste 150, Carrollton, TX 75006, Attn: Loss Mitigation, with reference to the last four digits of the Loan Number ("4485"), or as otherwise directed.

5. Debtor shall timely perform all of their obligations under Secured Creditor's loan documents as they come due, including but not limited to the payment of real estate taxes, maintaining insurance coverage, and any and all senior liens.

6. In the event Debtor fails to timely perform any of the obligations set forth in this stipulation, Secured Creditor shall notify Debtor and her counsel of the default in writing. Debtor shall have ten (10) calendar days from the date of the written notification to cure the default. If Debtor fails to timely cure the default, Secured Creditor may lodge a Declaration and Order Terminating the Automatic Stay. The Order shall be entered without further hearing. The automatic stay shall be immediately terminated and extinguished for all purposes as to Secured Creditor and Secured Creditor may proceed with and hold a Trustee's sale of the Subject Property, pursuant to applicable state law, and without further Court Order or proceeding being necessary, and commence any action necessary to obtain complete possession of the Subject Property, including unlawful detainer, if required.

7. There is no equity in the Subject Property, which renders it inconsequential to the bankruptcy estate. As of the date of filing the petition, Secured Creditor's secured claim was \$61,634.63. The Debtor values the Subject Property at \$75,000.00, as reflected in Schedule A/B. Additionally, Debtor claims an exemption in the amount of \$12,061.00. With typical sale costs associated with the sale of the Subject Property, equity is further reduced.

8. If this Order is entered prior to the Final Hearing, scheduled for June 7, 2019 at 3:45 PM, the hearing shall be removed from the Court's calendar.

##END OF ORDER##

Prepared and submitted by:

/s/ Daniel Grunow

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